

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Santa Ana in cooperation with the Southern California Regional Rail Authority (SCRRA) to construct an overhead pedestrian crossing and removal of two existing at-grade crossings at the Santa Ana Transportation Center located on the Orange Subdivision at railroad mile post 175.21 in the City of Santa Ana, County of Orange.

Application 04-07-036
(Filed July 23, 2004)

O P I N I O N**Summary**

This decision grants the City of Santa Ana's (City) request to construct the Santa Ana Transportation Center (Center) Overhead Pedestrian Crossing grade-separated pedestrian-rail crossing (pedestrian overhead), to remove two at-grade pedestrian-rail (pedestrian) crossings, and to convert two other pedestrian crossings into private at-grade crossings for only Amtrak baggage carts over Southern California Regional Rail Authority's (SCRRA) Orange Subdivision tracks in Santa Ana, Orange County.

Discussion

City, in cooperation with SCRRA, requests authority to construct a pedestrian overhead above SCRRA's tracks, to remove two pedestrian at-grade crossings, and to convert two other pedestrian crossings into private at-grade crossings for only Amtrak baggage carts. The locations of the proposed

pedestrian overhead and existing pedestrian crossings are within Orange County Transportation Authority's (OCTA) rights-of-way. SCRRA and OCTA have established commuter rail service (Metrolink) through Orange County to connect Los Angeles Union Station to a terminal station in Oceanside, San Diego County.

The pedestrian overhead construction and pedestrian crossing removal and conversion projects are part of a project at the Center. The Center currently has side and center platforms with two main line railroad tracks. The Center also currently has four pedestrian crossings that provide access to the center platform from the Metrolink station facilities. The project includes the construction of a new side platform on the east side of the Metrolink station; removal of the center platform; construction of the proposed pedestrian overhead to connect the platforms east and west of the tracks; removal of two at-grade pedestrian crossings; conversion of two other public pedestrian crossings into private at-grade crossings for use only by Amtrak baggage carts; and installation of a fence between the two main line tracks, landscaping, lighting, and other facilities.

An electronically controlled sliding lockable gate will keep each private at-grade crossing closed across the entire width of each crossing except when an Amtrak baggage cart needs to access a crossing. The private crossings will be eight feet in width and will have pre-cast concrete panels and access ramps. Both sides of the platforms for these crossings will have mirrors installed to help Amtrak employees see approaching trains blocked by trains stopped at the Metrolink station.

The pedestrian overhead will have a clear opening of 45 feet, 2 inches (12 feet, 1 inch horizontal clearance between the closest face of the overhead to the centerline of main line tracks 1 and 2 and 21 feet distance between the centerlines of the two tracks). The vertical clearance between the top of the rail and the

bottom of the overhead will be 27 feet, 6 inches. The pedestrian overhead will provide access for disabled persons. The pedestrian overhead amenities are steps, elevators for disabled persons, lighting, skylights, and drainage.

SCRRA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended in 1982 and as stated in Public Resources Code (PR) Section 21000 et seq. SCRRA has determined that the Metrolink projects, which institute passenger services on rail rights-of-way already in use, are statutorily exempt from CEQA under PR Code Section 21080(b)(11) and CEQA Guideline Section 15275(a). These sections provide an exemption for projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. SCRRA filed a Notice of Exemption for construction and operation of a commuter rail system on September 18, 1991. A copy of this Notice of Exemption is included in Appendix A attached to the order.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. To comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

We reviewed and considered the lead agency's Notice of Exemption. We believe that SCRRA reasonably concluded that the project qualifies for CEQA exemption under PR Code Section 21080(b)(11) and CEQA Guideline Section

15275(a). Accordingly, we adopt the Notice of Exemption for purposes of our project approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) staff inspected the sites of the proposed pedestrian overhead and the four existing pedestrian crossings. After reviewing the need for and the safety of the pedestrian overhead and the proposed at-grade crossings for only Amtrak baggage carts, RCES recommends that the Commission grant City's request.

The Application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad. Shown in Appendix B attached to the order are a vicinity map and detailed drawings of the proposed pedestrian overhead and private at-grade crossings for only Amtrak baggage carts.

In Resolution ALJ 176-3137, dated August 19, 2004, and published in the Commission Daily Calendar on August 20, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains correct. Given these developments, it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3137.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the Application was published in the Commission's Daily Calendar on July 29, 2004. There are no unresolved matters or protests; a public hearing is not necessary.

2. City, in cooperation with SCRRA, requests authority, under Public Utilities Code Sections 1201-1205, to construct the Center pedestrian overhead, to remove two pedestrian at-grade crossings, and to convert two other pedestrian crossings into private at-grade crossings for only Amtrak baggage carts over SCRRA's Orange Subdivision tracks in Santa Ana, Orange County.

3. Public convenience, necessity, and safety require construction of the pedestrian overhead.

4. Public safety requires the removal of two pedestrian crossings and the conversion of two other pedestrian crossings into private at-grade crossings for only Amtrak baggage carts.

5. Public safety at each private at-grade crossing for only Amtrak baggage carts requires the installation of an electronically controlled sliding lockable gate, which City, in cooperation with SCRRA, will keep closed at all times across the entire width of each at-grade crossing except when an Amtrak baggage cart uses the crossing.

6. Safety for Amtrak employees requires the installation of mirrors on both sides of the platforms at each at-grade crossing for baggage carts to help Amtrak employees see approaching trains blocked by trains stopped at the Metrolink station.

7. SCRRA is the lead agency for this project under CEQA, as amended.

8. SCRRA filed on September 18, 1991, with the Los Angeles County Clerk, a Notice of Exemption exempting the construction and operation of a commuter

rail system from CEQA review as a Statutory Exemption under PR Code Section 21080(b)(11) and CEQA Guideline Section 15275(a).

9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Notice of Exemption.

Conclusions of Law

1. SCRRA reasonably concluded that PR Code Section 21080(b)(11) and CEQA Guideline Section 15275(a) exempt this project from CEQA. We adopt SCRRA's determination of exemption for purposes of our approval.

2. The Application is uncontested and a public hearing is not necessary.

3. The Application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. City of Santa Ana (City), in cooperation with Southern California Regional Rail Authority (SCRRA), is authorized to construct the Santa Ana Transportation Center Overhead Pedestrian Crossing grade-separated pedestrian-rail crossing (pedestrian overhead), identified as CPUC Crossing No. 101OR-175.21-AD, above SCRRA's Orange Subdivision tracks, located within Orange County Transportation Authority's rights-of-way, in Santa Ana, Orange County, at the location and substantially as described in the Application and Appendix B attached to this order.

2. City, in cooperation with SCRRA, is authorized to close two at-grade pedestrian-rail (pedestrian) crossings, both identified as CPUC Crossing No. 101OR-175.21-D. Upon completion of the pedestrian overhead and its opening to pedestrians, City, in cooperation with SCRRA, shall permanently close and physically remove both pedestrian crossings.

3. City, in cooperation with SCRRA, is authorized to close two pedestrian crossings, identified as CPUC Crossing Nos. 101OR-175.14-D and 101OR-175.24-D, and to reopen the crossings, identified as CPUC Crossing Nos. 101OR-175.14-X and 101OR-175.24-X, as private at-grade crossings used only by Amtrak baggage carts. Upon completion of the pedestrian overhead and its opening to pedestrians, City, in cooperation with SCRRA, shall permanently close both at-grade crossings to pedestrians and shall ensure that only Amtrak baggage carts access each private at-grade crossing.

4. At each private at-grade crossing, City, in cooperation with SCRRA, shall ensure the installation of an electronically controlled sliding lockable gate, which City, in cooperation with SCRRA, shall keep closed at all times across the entire width of each at-grade crossing except when Amtrak baggage carts access each private at-grade crossing.

5. At each private at-grade crossing, City, in cooperation with SCRRA, shall ensure the installation of mirrors on both sides of the platforms at each crossing to help Amtrak employees see approaching trains blocked by trains stopped at the Metrolink station.

6. City and SCRRA (parties) shall bear construction and maintenance costs in accordance with an agreement between the parties. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Within 30 days after completion of the work under this order, SCRRA shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) of the completion of the authorized work.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. The Commission may revoke or modify authorization if public convenience, necessity, or safety so require.

9. The Application is granted as set forth above.

10. Application 04-07-036 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A
NOTICE OF EXEMPTION

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

NOTICE OF EXEMPTION

ORIGINAL REC'D

SEP 18 1991

**To: County Clerk
County of Los Angeles
111 North Hill Street
Los Angeles, CA 90012**

**COUNTY CLERK
BY *D. C. [Signature]* DEPUTY**

Subject: Filing of Notice of Exemption for Southern California

NOTICE OF EXEMPTION

To: X Office of Planning and Research From: Southern California
1400 Tenth Street Regional Rail
Sacramento, CA 95814 Authority

X County Clerk
County of Los Angeles
111 N. Hill Street
Los Angeles, CA 90012

Project Title: Southern California Regional Rail Project

Project Location - Specific: See Figure 1 attached.

Project Location - City: See Figure 1 attached.

Project Location - County: Counties of Los Angeles, Ventura, San Bernardino,
Riverside, Orange, and San Diego.

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project includes the construction and operation of commuter rail facilities within existing railroad rights-of-way in Los Angeles, Ventura, San Bernardino, Riverside, Orange and San Diego Counties. The proposed commuter rail lines are shown in Figure 1 and include: 1) Moorpark to Los Angeles Union Passenger Terminal (LAUPT) on the Southern Pacific Railroad Coast mainline; 2) Santa Clarita to LAUPT on the tracks of the Southern Pacific Railroad; 3) San Bernardino to LAUPT on the tracks of the Southern Pacific Railroad; 4) San Bernardino to LAUPT on the Santa Fe Pasadena subdivision and Southern Pacific Baldwin Park branch, Yuma Main line and State Street line; 5) Oceanside to LAUPT on the current route of Amtrak's San Diego service and the tracks of the Santa Fe Railway; 6) Riverside to LAUPT on the San Jacinto and San Bernardino Subdivisions of the Santa Fe Railway; 7) San Bernardino to Irvine on existing Santa Fe railroad rights-of-way; 8) Hemet to Riverside on the San Jacinto branch of the Santa Fe Railway; 9) Redlands to San Bernardino on an existing Santa Fe Railway branch line; and 10) Riverside to LAUPT on the Union Pacific Railroad right-of-way. The project also includes a central maintenance facility at the Southern Pacific Taylor Yard north of downtown Los Angeles, and layover facilities in the Cities of Moorpark, Santa Clarita and San Bernardino. The location of these facilities is also shown in Figure 1. The goal of the project is to simultaneously improve regional mobility and air quality by reducing automobile trips. The beneficiaries could include commuters who would use the rail service, persons travelling on streets and highways who would experience less traffic congestion and delay and persons residing in the South Coast Air Basin who would benefit from improved air quality.

Name of the Public Agency Approving Project: Southern California Regional Rail Authority (SCRRA)

Name of Person or Agency Carrying out the Project: SCRRA

Exempt Status - (Check One):

- Ministerial (14 Cal. Admin. Code 515268)
 Declared Emergency (14 Cal. Admin. Code 515269(a))
 Emergency Project (14 Cal. Admin. Code 515269(b))
X Statutory Exemption (14 Cal. Admin. Code 515260 et. seq.)

Reasons why the project is exempt: The proposed commuter rail project would institute commuter rail service on existing rail rights-of-way currently in use. According to Sections 21080 (b)(1) and 15275 (a) of CEQA, the institution of commuter services on rail rights-of-way already in use are exempt from the regulations of CEQA.

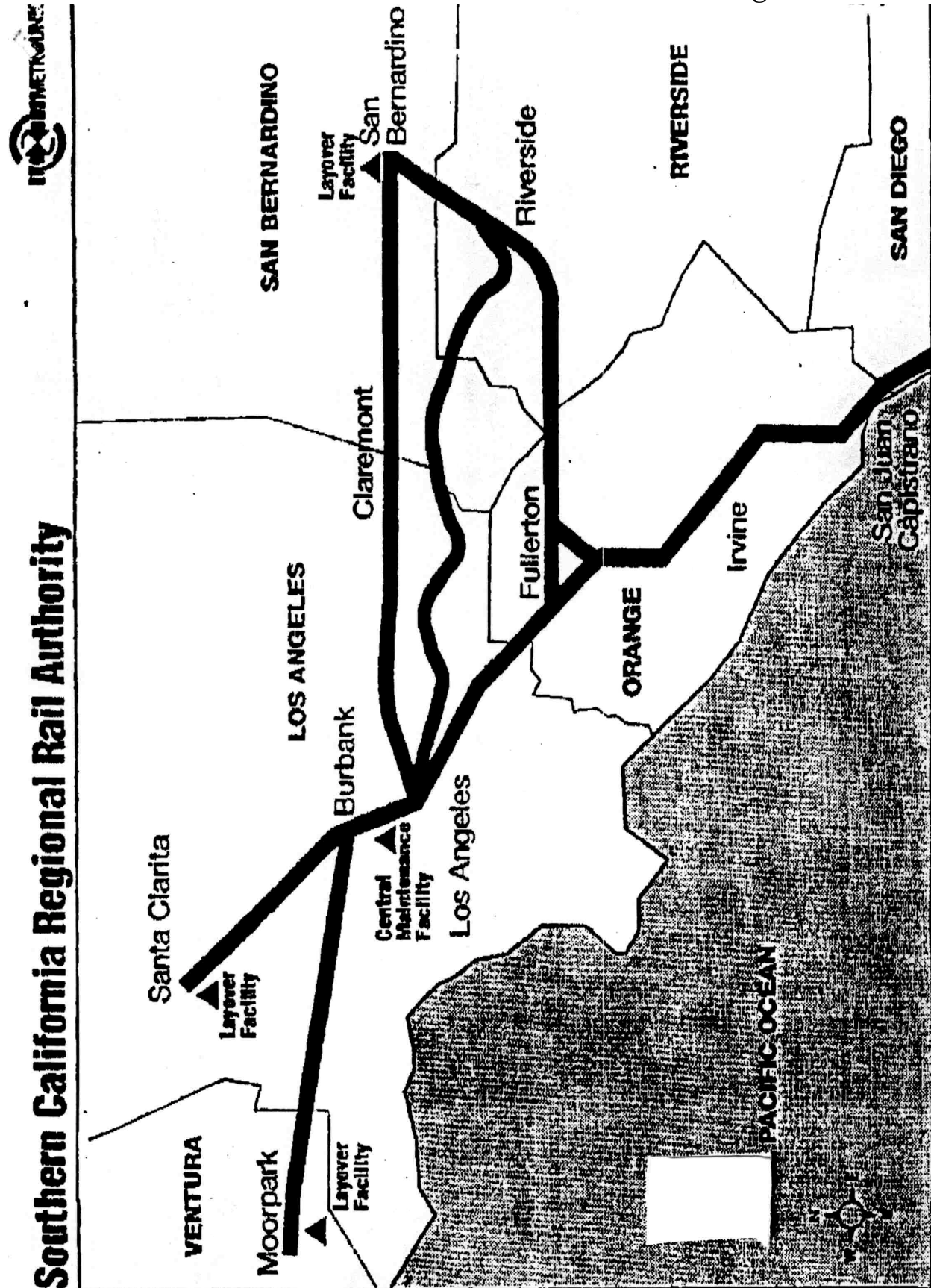
Contact Person: Richard Stanger

Telephone No.: (213) 244 - 6803

Signature: R. Stanger

Title: Executive Director, SCRA

Date Received for Filing: _____



SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

COMMUTER RAIL PROJECT

SANTA ANA PEDESTRIAN BRIDGE IMPROVEMENTS

SANTA ANA TRANSPORTATION CENTER

